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No. 09-1399

Supreme Court, U.S.
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In The

Supreme Court of the United States

PAUL SIMS,

Petitioner,

v.

SUSAN SCHLOTT, et al.,

Respondents.

On Petition For Writ Of Certiorari To The District Court Of Appeal, First District, State Of Florida

BRIEF IN OPPOSITION

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RESPONDENTS' COUNTER-STATEMENT OF QUESTIONS PRESENTED

The questions presented by petitioner for review are based in large part on the erroneous assumption that the state court judges involved in the trial court proceedings were "confused" or uncertain about the meaning of the summary judgment and injunction entered on May 19, 2004, by the Okaloosa County, Florida, Circuit Court, and affirmed by Florida's District Court of Appeal, First District. Because the order is unambiguous, respondents have reframed the questions presented as follows:

1. Whether the Florida state court afforded petitioner due process of law when it held him in civil contempt and incarcerated him for willfully violating the trial court's injunction which prohibits petitioner from transferring assets without court approval and struck his pleadings for willful and repeated violations of discovery orders.

2. Whether the Florida appellate court's affirmance of the final judgment without written opinion violated petitioner's right to due process of law.

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STATEMENT OF THE CASE

Petitioner's jurisdictional argument is based on several factual assumptions and representations concerning the proceedings conducted in the state trial and appellate courts which are either incorrect or incomplete.

Summary Judgment Order. Petitioner repeatedly argues that the summary judgment order entered by the Okaloosa County, Florida, Circuit Court on May 19, 2004 (Petitioner's Appendix I), was "unclear" and "confusing," particularly on the question whether the injunction contained in the order applies to petitioner's personal assets. *See* Petition for Certiorari at 4, 10, 22. Every provision of the order, however, is crystal clear, leaving no doubt or uncertainty as to the issues resolved by summary judgment and the scope of the injunction. Specifically, the trial court found from undisputed facts presented by motion for summary judgment that petitioner, who was trustee of the Mattie Kelly 908 Trust and Mattie Kelly Land Trust,

> violated his fiduciary duties as trustee on numerous occasions, including but not limited to:
>
> A. Borrowing over $2,600,000.00 from the trusts for his own personal use under non-recourse terms.
>
> B. Causing the trust to be liable for a $3,650,000.00 note as to property in which the trust had no interest.

C. Pledging at least $2,000,000.00 of trust assets to secure the debt of S C of Okaloosa Corporation, a company wholly owned and controlled by him personally.

D. Using trust assets for the furtherance of his own personal gain either directly or indirectly through his wholly owned and controlled company, S C of Okaloosa Corporation.

(Petitioner's Appendix I at 47a-47b). Based on these findings, the trial court immediately removed petitioner as trustee of both trusts, appointed interim successor trustees and ordered petitioner to answer past due discovery. (Petitioner's Appendix I at 48a). The trial court also retained jurisdiction to determine respondents' damages caused by petitioner's breach of trust. (Petitioner's Appendix I at 49a).

The summary judgment order also includes a permanent injunction directed to petitioner and S C of Okaloosa Corporation[1] which prevents petitioner from disposing of trust assets or his personal assets without court approval:

> Except upon further order of this Court, Paul Sims and S C of Okaloosa Corporation are enjoined, effective immediately, from selling,

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[1] S C of Okaloosa Corporation is petitioner's solely-owned corporation. Petitioner suggests in his petition for certiorari that S C of Okaloosa was not his alter ego. Petitioner testified during his discovery deposition, however, that he and S C of Okaloosa are "the same thing."

> leasing, transferring, pledging, hypothecating, releasing, gifting, devising, or otherwise relinquishing any control over, any asset owned by Sims individually or by S C of Okaloosa Corporation or by any other business entity in which Sims or S C of Okaloosa Corporation is the sole shareholder, member or general partner, where that business has had any benefit or use directly or indirectly of any trust asset.

(Petitioner's Appendix I at 48b-48c).

Damages Sustained by the Trusts and Beneficiaries. Petitioner incorrectly represents to the Court that the trusts and beneficiaries were not damaged by his improper self-dealing with trust assets. *See* Petition for Certiorari at 7, 19, 20. Although the successor trustees recouped several million dollars which petitioner improperly borrowed from the trusts, the record shows that petitioner personally pocketed over $6 million in profits by self-dealing with trust assets, profits which rightfully belonged to the trusts. (Petitioner's Appendix B at 6a).

REASONS FOR DENYING THE PETITION

I. The state court judgment does not raise an important federal question.

The Court's authority to issue writs of certiorari to review state court judgments extends only to those judgments which raise important federal questions.

See 28 U.S.C. § 1257. Although petitioner cites the United States Constitution, the petition for certiorari filed in this case presents nothing more than an unauthorized challenge to a final judgment entered and affirmed by state courts based on settled principles of state law. Indeed, for the most part, the arguments raised in the petition for certiorari are the same state law arguments the Florida courts repeatedly rejected out of hand.[2] As such, this Court should deny the petition for certiorari for lack of federal question. *See Michigan v. Long*, 463 U.S. 1032, 1038-39 (1983).

II. The state courts which incarcerated petitioner for civil contempt for willfully violating an injunction and struck his pleadings for repeated discovery violations afforded petitioner due process of law.

A. Civil Contempt

Concerning petitioner's incarceration for civil contempt, the record indicates the state trial and appellate courts below afforded petitioner due process of law at every stage of the proceedings.[3] Moreover,

[2] The state law issues which dominate the petition for certiorari in this case include rulings on the scope of respondents' pleadings, law of the case, agency, trustee's standard of care, and the beneficiaries' measure of damages for petitioner's breach of trust.

[3] Petitioner's argument that the state courts denied him equal protection and violated the Eighth Amendment prohibition

(Continued on following page)

petitioner fails to candidly disclose to this Court the compelling facts which justified his incarceration.

By 2006, the trust beneficiaries learned petitioner had been transferring assets without court approval in direct violation of the 2004 permanent injunction. In response, the beneficiaries filed motions to hold petitioner in contempt for expending almost $100,000 without court approval, including substantial payments to one of petitioner's companies engaged in real estate development. The trial court issued an order to show cause directing petitioner to appear and answer the allegations on October 10, 2006.

Facing a finding of contempt, petitioner halted the state court proceedings by filing petitions for Chapter 11 bankruptcy in the United States Bankruptcy Court for the Southern District of Florida on behalf of himself and S C of Okaloosa on the same day as the previously scheduled show cause hearing. *See In re Sims*, Case No. 06-15077 (Bankr. S.D. Fla. 2006). The beneficiaries moved to dismiss the bankruptcy cases on the ground petitioner filed the

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against excessive bail and cruel and unusual punishment was never raised and decided in the lower courts and thus is not properly before the Court. *See Adams v. Robertson*, 520 U.S. 83, 86 (1997) ("With 'very rare exceptions,' . . . we have adhered to the rule in reviewing state court judgments under 28 U.S.C. § 1257 that we will not consider a petitioner's federal claim unless it was either addressed by, or properly presented to, the state court that rendered the decision we have been asked to review.").

petitions in bad faith. As explained by the beneficiaries' bankruptcy attorney at the April 9, 2007 evidentiary hearing on the motion to dismiss:

> Mr. Sims disobeyed, vigorously disobeyed court orders which, recalcitrant in the judicial process, was about to be sanctioned for that conduct, and now he comes to this court with unclean hands, with an intention to – with a stated intention to reorganize; however, notwithstanding the fact he's a debtor-in-possession in this case, he hasn't filed a single debtor-in-possession report. He's made postpetition transfers. He's failed to disclose prepetition transfers.

Confronted by evidence damaging to his petitions and his credibility, petitioner admitted during the evidentiary hearing he failed to disclose on his bankruptcy schedule at least $45,000 in cashiers' checks located in his safe deposit box and further admitted giving false testimony during an earlier meeting of creditors about the contents of his safe deposit box.

Even more striking, petitioner revealed during his testimony in bankruptcy court that he transferred, without approval from the Okaloosa County court which had issued the injunction, over $1 million during 2006 to Atlantis Mariner 1 Line, Inc., a company owned by a Miami businessman named Michael Ravelo. Petitioner never offered the bankruptcy court an adequate explanation for the transfer, testifying vaguely that he gave Ravelo the funds without an agreement for repayment "[j]ust to take care of my

expenses and also to invest in whatever he has." Petitioner's relationship with Ravelo was tenuous at best; petitioner testified he knew the man only for a few months through a mutual acquaintance before giving him over $1 million. Not surprisingly, petitioner voluntarily dismissed his bankruptcy cases before the hearing ended.

During a subsequent deposition, Ravelo produced schedules confirming petitioner transferred a total of $1,553,073.66 to Atlantis Mariner/Ravelo during 2006, and showing Atlantis Mariner/Ravelo distributed from these funds by check or wire transfer $1,119,040.08 to various payees (including $325,000 directly to petitioner), leaving a balance of $434,033.58. In a third-party complaint petitioner subsequently filed against Ravelo in the state court action, petitioner admitted under oath he funneled over $1.5 million to Ravelo as part of a scheme designed to protect petitioner's assets "from the Kelly heirs' litigation and the Circuit Court of Okaloosa County." Petitioner explained the conspiracy in his sworn pleading as follows:

> 12. Ravelo promoted his plan to Sims whereby Judge Swanson's Order would be negated and where Sims could avoid the costly and destructive litigation with the Kelly heirs. Primarily, Ravelo's scheme involved enticing Sims to move to southern Florida, engage attorneys selected by Ravelo who would "take over" the Kelly Heirs litigation and prepare for a Chapter 11 filing, then engage bankruptcy attorneys selected

> by Ravelo who would file the Chapter 11, and move all of the heirs litigation in Okaloosa County, Florida into bankruptcy court in southern Florida.

With information obtained from the bankruptcy court and Ravelo, the beneficiaries supplemented their motion for contempt. Even though the permanent injunction prohibits petitioner and S C of Okaloosa "from . . . relinquishing any control over, any asset owned by Sims individually or by S C of Okaloosa Corporation" without court approval, the supplemented motion for contempt described hundreds of transactions executed by petitioner and S C of Okaloosa without court approval, all in direct violation of the injunction.

With the bankruptcy stay lifted and adequate notice provided to petitioner, the trial court conducted the show cause hearing on May 17, 2007. After receiving testimony from petitioner and his attorney, the trial court concluded from the undisputed evidence petitioner willfully violated the injunction by transferring $2,817,957 in assets without court approval, including over $1.3 million to Ravelo's company, Atlantis Mariner. In the order adjudging petitioner in contempt, the trial court made the necessary finding of willfulness and set the purge amount based on the evidence at $1.5 million payable by May 30, 2007, failing which the order required petitioner to surrender for incarceration. (Petitioner's Appendix H).

Apparently unwilling to satisfy the purge amount, petitioner was incarcerated on May 30, 2007. On June 15, 2007, petitioner voluntarily offered certain assets as security to satisfy the purge provision in the contempt order. The beneficiaries accepted his offer with certain modifications. At a hearing to approve the agreement, in which he was represented by two separate law firms, petitioner consented to the purge stipulation which he signed in the presence of two witnesses and a notary public and was released from confinement the same day. Petitioner later appealed the contempt order which the Florida appellate court affirmed without comment. *See Sims v. Schlott*, 22 So. 3d 75 (Fla. Dist. Ct. App. 2009) (table).

A person facing civil contempt sanctions in state court is entitled to an adjudicatory proceeding that meets the fundamental fairness requirements of the due process clause of the Fourteenth Amendment which includes adequate notice and an opportunity to be heard. *See International Union, United Mine Workers of Am. v. Bagwell*, 512 U.S. 821, 827 (1994). The procedural chronology recounted above shows the state courts below satisfied both requirements.

Nevertheless, in a rehash of his state court arguments, petitioner contends that he was denied the opportunity to present evidence to a jury showing, among other things, he entered into the self-dealing transactions in good faith to protect the trusts; the settlor authorized him to self-deal; the money he received from the self-dealing transaction constituted reasonable compensation for his services as trustee;

and that the trial court imprisoned him for contempt "without any evidence that the funds Sims was transferring was anything but his own." Petition for Certiorari at 21. These arguments all lack merit.

Right to Jury Trial. Petitioner's argument he was entitled to a jury trial overlooks the fact that his liability for breach of trust was decided by summary judgment and affirmed on appeal. *See Sims v. Kelly*, 905 So. 2d 128 (Fla. Dist. Ct. App. 2005) (table). It is well settled that a summary judgment does not violate the losing party's right to due process or the losing party's right to a jury trial. *See Fidelity & Deposit Co. of Md. v. United States*, 187 U.S. 315 (1902); *Harris v. Interstate Brands Corp.*, 348 F.3d 761, 762 (8th Cir. 2003). Once the trial court granted summary judgment finding petitioner breached his fiduciary duties, the beneficiaries were entitled under Florida law to trace the ill-gotten gains as a matter of equity and have the trial court enter a money judgment accordingly. *See Rackley v. Matthews*, 141 Fla. 307, 309-10, 193 So. 69, 70 (1940); *Glidden v. Gutelius*, 96 Fla. 834, 842-45, 119 So. 140, 143 (1928). There is no right to jury trial in equitable actions under Florida law. *See Hawkins v. Rellim Inv. Co.*, 92 Fla. 784, 788, 110 So. 350, 351 (1926).

Motive for Self-Dealing. As a matter of state law, it is well settled that when a trustee loans trust funds to himself (or his family or his corporation), a conflict of interest arises regardless of the trustee's motive or intent, absent court approval or the beneficiaries' consent. *See People v. Larkin*, 413 F. Supp. 978, 981

(N.D. Cal. 1976); *In re Kilmer's Will*, 187 Misc. 121, 61 N.Y.S.2d 51 (N.Y. Sur. Ct. 1946); *In re Stowell's Estate*, 595 A.2d 1022, 1025-26 (Me. 1991). When such a conflict of interests exists, the Florida Statutes required court approval for all self-dealing transactions irrespective of the trustee's motive. *See* § 737.403(2), Fla. Stat. (2004) ("If the duty of the trustee and the trustee's individual interest or his or her interest as trustee of another trust conflict in the exercise of a trust power, the power may be exercised only by court authorization. . . ."). Thus, accepting for the sake of argument petitioner's dubious contention that he used trust assets for personal gain in good faith, such self-dealing nevertheless constitutes a breach of trust with attendant liability to the beneficiaries for profits realized from self-dealing.[4]

Settlor's Intent. Petitioner blatantly asserts the settlor of the trusts authorized his self-dealing and complains further he was never allowed by the state courts below "to present evidence as to how Mattie Kelly [the settlor] wished him to manage or invest trust assets. . . ." Petition for Certiorari at 7. Petitioner's contentions are incorrect for at least two reasons.

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[4] Petitioner also contends that as a nonprofessional trustee, he is not held to the same standard of conduct applicable to professional trustees. Florida law, however, holds all trustees to the "prudent man" standard without differentiating between professional and nonprofessional trustees. *See* § 736.0804, Fla. Stat. (2009); *In re Feldstein's Estate*, 292 So. 2d 404, 404 (Fla. Dist. Ct. App. 1974).

First, the Florida trial court determined by summary judgment that petitioner breached his fiduciary duty by improper self-dealing with trust assets based solely on petitioner's deposition and supporting documents. (Petitioner's Appendix I). Although given ample opportunity by court rule,[5] petitioner filed no evidentiary material in opposition to the beneficiaries' motion for summary judgment. Because petitioner's liability was decided by summary judgment and affirmed by the first appeal, the trial judges correctly decided below that the "law of the case" precluded further evidence on the liability issue. Although the appellate court did not write an opinion, "Florida courts have held that an appellate decision that is accompanied only by the statement, 'Affirmed,' is the law of the case." *Pompi v. City of Jacksonville*, 872 So. 2d 931, 932-33 (Fla. Dist. Ct. App. 2004).

Second, the trust instruments themselves describe the types of investments the trustee is authorized to make. As pertinent to this case, the trusts do not authorize the trustee to make loans to himself or his businesses for personal gain or to otherwise self-deal in trust assets. To the contrary, the trusts require the trustee to exercise his powers "only in a fiduciary capacity." Under Florida law, even a trust provision giving the trustee "absolute and uncontrolled discretion" "does not relieve a trustee from the exercise of good faith in the administration of his

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[5] *See* Florida Rule of Civil Procedure 1.510(c).

obligations under the trust agreement." *Hoppe v. Hoppe*, 370 So. 2d 374, 375 (Fla. Dist. Ct. App. 1978), *cert. denied*, 379 So. 2d 206 (Fla. 1979).

Trustee Compensation. Petitioner's suggestion that the ill-gotten profits he realized from self-dealing with trust assets constitute "reasonable compensation" for his services as trustee is meritless. During his tenure as trustee, petitioner earned approximately $1 million in trustee compensation. His argument that the $6 million in profits realized from self-dealing transactions was additional compensation for trustee services borders on the preposterous.

Personal Assets. Although petitioner frequently argued in the courts below, and apparently argues in this Court, that the permanent injunction does not apply to his personal assets, every trial and appellate court judge who has reviewed the injunction has reached the opposite conclusion. Quite clearly, the injunction prevents petitioner "from selling, leasing, transferring, pledging, hypothecating, releasing, gifting, devising, or otherwise relinquishing any control over any asset *owned by Sims individually*." (Petitioner's Appendix I at 49a) (emphasis supplied).

B. Order Striking Pleadings

Notwithstanding petitioner's argument to the contrary, an order striking a party's pleadings entered in accordance with applicable rules of procedure governing discovery in civil cases does not violate due process. *See Hammond Packing Co. v. State of Ark.*,

212 U.S. 322 (1909). Florida Rule of Civil Procedure 1.380(b) authorizes sanctions for a party's failure to comply with an order compelling discovery, including the sanction of striking a party's pleadings. *See Mitchem v. Grubbs*, 485 So. 2d 891, 892 (Fla. Dist. Ct. App. 1986). Although striking a party's pleadings is reserved for "extreme circumstances," "[a] deliberate and contumacious disregard of the court's authority will justify application of this severest of sanctions . . . as will bad faith, willful disregard or gross indifference to an order of the court, or conduct which evinces deliberate callousness." *Mercer v. Raines*, 443 So. 2d 944, 946 (Fla. 1983). "Because of the severity of the sanction, orders striking pleadings should contain specific findings of a willful failure or deliberate refusal to comply with discovery." *Clark v. Lake City Police Dep't*, 723 So. 2d 901, 902-03 (Fla. Dist. Ct. App. 1999). These findings "ensure that the trial judge has consciously determined that the failure was more than a mistake, neglect, or inadvertence, and to assist the reviewing court to the extent the record is susceptible to more than one interpretation." *Ham v. Dunmire*, 891 So. 2d 492, 496 (Fla. 2004).

In this case, petitioner violated an order compelling discovery by providing incomplete and evasive discovery responses. (Petitioner's Appendix D at 17a). This dereliction was not an isolated incident. The trial court's order striking petitioner's pleadings details repeated untimely and evasive discovery responses by petitioner, two failures by petitioner to appear at scheduled depositions, a fraudulent

bankruptcy filing intended by petitioner to halt, not just discovery, but the entire litigation, an order adjudicating petitioner in contempt of court for willfully violating an injunction, numerous motions to compel discovery filed by the beneficiaries and repeated warnings by the trial judge to petitioner that his continued failure to cooperate with discovery would lead to sanctions, including striking his pleadings. (Petitioner's Appendix D at 13a-18a). Based on this extensive history of discovery abuse and bad faith, the trial court determined:

> [T]he Defendant, Paul Sims, has been intentionally vague and non-responsive, both historically and as to this Court's latest Order Compelling Discovery. The Defendant has continued to act in bad faith, failing to respond to legitimate discovery. The Defendant has habitually and wilfully defied Court orders to the point he has been previously jailed for contempt. Based upon review of the case, the Court finds that the Defendant has had no intention to respond to discovery in a good faith way and that specifically the Defendant failed to fully and completely answer the interrogatories and failed to fully respond to the request for production that were the subject of the Court's latest Order Compelling Discovery.

(Petitioner's Appendix D at 18a).

The record belies petitioner's contention that the Florida state courts failed to afford him due process before striking his pleadings. The beneficiaries served

petitioner with a fourth set of interrogatories and fourth request for production on June 7, 2007. (Petitioner's Appendix D at 17a). After petitioner failed to answer the discovery, the beneficiaries served a motion to compel which the trial court heard on October 8, 2007. Petitioner was represented by counsel at the hearing. By order dated October 9, 2007, the court directed petitioner to provide full and complete answers to the discovery by October 22, 2007, failing which "the Court will enter an order striking all of [petitioner's] pleadings." (Petitioner's Appendix D at 18a).

The trial court conducted a hearing on November 19, 2007, to determine whether petitioner had complied with the order compelling discovery. (Petitioner's Appendix D at 18a). Although furnished notice, petitioner did not appear at the hearing either personally or through counsel. Nevertheless, petitioner's subsequently-retained counsel filed an extensive motion for rehearing of the order striking pleadings and, after a new trial judge took over the case, also filed a motion to vacate the predecessor judge's rulings, including the order striking pleadings. The successor trial judge denied rehearing and upheld the predecessor trial judge's order striking pleadings, as well as his other rulings.

Considering the procedural history recounted above, there is no merit to petitioner's argument he was denied notice and an opportunity to be heard on the motion to strike his pleadings. He was forewarned by the trial court of the consequences of his

failure to comply with the order compelling discovery, received a copy of the motion to strike pleadings, received a copy of the notice of hearing and was given a second review of the order by a successor trial judge. Due process requires nothing more.

III. Due process of law did not require the state appellate court to write an opinion stating the reasons it affirmed the final judgment and other orders.

Petitioner urges this Court to accept jurisdiction and hold that due process required the state appellate court to write an opinion in this case explaining its reasons for affirming the final judgment. Due process, however, does not require a written opinion. *See Furman v. United States*, 720 F.2d 263, 264 (2d Cir. 1983) ("There is no requirement in law that a federal appellate court's decision be accompanied by a written opinion."); *United States v. Baynes*, 548 F.2d 481, 482 (3d Cir. 1977). As explained by the Fifth Circuit, a "litigant's right to have all issues fully considered and ruled on by the appellate court does not equate to a right to a full written opinion on every issue raised." *United States v. Garza*, 165 F.3d 312, 314 (5th Cir.), *cert. denied*, 528 U.S. 1006 (1999). *See also Bernklau v. Principi*, 291 F.3d 795, 801 (Fed. Cir. 2002); *Wright v. Secretary for Dep't of Corrections*, 278 F.3d 1245, 1255 (11th Cir. 2002) ("The chief responsibility of judges is to decide the case before them. They may, or may not, attempt to explain the decision in an opinion.").

Further, this Court has never recognized a constitutional requirement for lower courts to articulate reasons for their disposition of cases absent specific court rules or legislation imposing this requirement. *See Harris v. Rivera*, 454 U.S. 339, 344 (1981) ("Although there are occasions when an explanation of the reasons for a decision may be required by the demands of due process, such occasions are the exception rather than the rule.") (footnote omitted); *Arizona v. Washington*, 434 U.S. 497, 517 (1978) ("Review of any trial court decision, is of course, facilitated by findings and by an explanation of the reasons supporting the decision. No matter how desirable such procedural assistance may be, it is not constitutionally mandated in a case such as this."). *See also Taylor v. McKeithen*, 407 U.S. 191, 194 n.4 (1972) ("We, of course, agree that the courts of appeals should have wide latitude in their decisions of whether or how to write opinions. That is especially true with respect to summary affirmances."); *Connecticut Bd. of Pardons v. Dumschat*, 452 U.S. 458, 472 (1981) (Stevens, J., dissenting) ("Judges often decide difficult and important cases without explaining their reasons, and I would not suggest that they thereby commit constitutional error.").

Neither Florida's constitution, statutes, court rules or judicial precedents require the state's five district courts of appeal to write opinions when affirming judgments from the lower tribunals. *See School Bd. of Pinellas County v. District Court of Appeal*, 467 So. 2d 985, 986 (Fla. 1985). Rather, the

decision whether to write an opinion is committed to the sound discretion of the district court of appeal. *See R.J. Reynolds Tobacco Co. v. Kenyon*, 882 So. 2d 986, 989 (Fla. 2004).

In Florida, the district courts of appeal write opinions in all reversals but frequently affirm lower court judgments without opinion when an explanation of the grounds for affirmance will "merely repeat well established principles and further burden attorneys with their research." *Whipple v. State*, 431 So. 2d 1011, 1016 (Fla. Dist. Ct. App. 1983). For example, Florida appellate courts are likely to affirm without opinion when the legal arguments are frivolous, when the alleged error is not preserved, when an error is harmless or when the appeal challenges a discretionary ruling. *See Lowe Inv. Corp. v. Clemente*, 685 So. 2d 84, 85 (Fla. Dist. Ct. App. 1996). A decision from this Court altering this practice and requiring Florida's district courts of appeal to write opinions in every case is not required by due process and would severely strain an already overburdened judicial system.

CONCLUSION

Petitioner has not demonstrated any compelling reasons for the Court to accept jurisdiction. Therefore, the Court should deny the petition for certiorari.

Respectfully submitted,

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